IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.6413 of 1998

1. Hindi Prachar Mandal
and another ..Petitioners

vs.

1.The State of Maharashtra
and others ..Respondents.

Shri P.M.Pradhan for petitioners
Smt.P.S.Cardozo, A.G.P. for respondent no.1
Shri M.S.Kumtekar i/b Shri A.S.Rao for respondent no.2
Shri Manoj R.Prajapati i/b M/s Ashoka Law firm for respondent no.3
Shri R.M.Sawant for respondent no.4.

CORAM: S.B.MHASE &
D.G.KARNIK JJ.
20th February, 2006

P.C.

1. Heard learned counsel for the parties.

2. By this petition, the petitioners challenge the minor modification dated 3rd August, 1998 made to the development plan of Kalyan Dombivli Municipal Corporation which was made effective from 12th December, 1976. The modificaion relates to the to site No.58 of the said plan.

3. Learned counsel for the parties submit out that revised draf development plan was published in the Government Gazette dated 5th

December, 1996 for Kalyan Dombivli Municipal Corporation area and the same has been finally sanctioned by the Government by notification dated 3rd September, 2005 published in the Government Gazette dated 8th September, 2005 and the new sanctioned final development plan has been brought into effect with effect from 10th October, 2005. Learned counsel for the parties state that in view of the fact that new final development plan has come into force the earlier development plan does not exist and is merged into the revised new development plan which has come into force with effect from 10th October, 2005.

3. Learned counsel for the petitioners states that in view of these subsequent events and changed circumstances challenge to the minor modification in the earlier development plan has become academic. Learned Counsel for the petitioners, therefore, seeks leave to withdraw the present petition with liberty to challenge the new final development plan. Leave granted. Petition is disposed of as withdrawn with liberty as above.

(D.G.KARNIK J.) **(S.B.MHASE J.)**